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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,170	11/19/2003	Mirko Danz	DANZ-3	6001
20151 7590 01/11/2008 HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			EXAMINER BARNES, CRYSTAL J	
			ART UNIT 2121	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/717,170	Applicant(s) DANZ ET AL.	
	Examiner Crystal J. Barnes-Bullock	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-14 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office Action in response to the Amendment After Final Rejection received on 12 December 2007. Claims 1, 3, 4 and 6-14 remain pending in this application.

Response to Amendment

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

3. Applicant's arguments, see Remarks, filed 12 December 2007, with respect to the rejection(s) of claim(s) 1 under 35 USC 102(b) have been fully considered and are persuasive. Therefore, the rejections under 35 USC 102(b) and 35 USC 103(a) have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of USPN 6,430,526 B1 to Toll.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 4 and 6-14 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,430,526 B1 to Toll.

As per claim 1, the Toll reference discloses a project design method for automating a control sequence in a configurable system with a plurality of components, the components capable of exchanging at regular time intervals during the control sequence information with another of the components via communication relationships, comprising the steps of: with the system (see column 2 lines 11-13, "computing system 10"), based on a topology (see column 2 lines 29-31, "topology engine 37") and a functionality (see column 2 lines 47-51, "control module 42") of the components ("electronic components 65") communicated to the system

("computing system 10") by a user input (see column 2 lines 32-35, "user interface"), selecting exactly one system project design (see column 3 lines 55-56, "user selection of one of the sets of interconnections") from a plurality of system project designs ("sets of interconnections"), with the selected system project design ("user selection of one of the sets of interconnections") containing exactly one component project design (see column 3 lines 38-41, "one or more sets of acceptable interconnections") for each component ("electronic components 65") of the system ("computing system 10"); designing each of the components ("electronic components 65") in the system ("computing system 10") according to the corresponding component project design ("one or more sets of acceptable interconnections"); and causing each of the components ("electronic components 65") to implement the communication relationships ("interconnections") to the other components ("electronic components 65") according to the component project design ("one or more sets of acceptable interconnections") of the particular component ("electronic components 65").

As per claim 3, the Toll reference discloses the user input ("user interface") for at least one component ("electronic components 65") includes a default value (see column 2 lines 51-54, "minimum and maximum value") of a mechanical and/or

electrical functionality (see column 2 lines 47-51, "tint, contrast, color, volume, frequency") of the at least one component ("electronic components 65").

As per claim 4, the Toll reference discloses the user input ("user interface") for at least one component ("electronic components 65") includes a default value (see column 2 lines 51-54, "minimum and maximum value") to cooperate mechanically (see column 2 lines 40-43, "external inputs and outputs") or electrically (see column 2 lines 43-46, "internal modules and connections"), or both, with at least one additional component ("electronic components 65").

As per claim 6, the Toll reference discloses the system ("computing system 10") automatically determines (see column 2 lines 32-35, "application 20 ... may automatically") the topology ("topology engine 37") of the components ("electronic environment 60") and aids a user ("user 15") in determining the system project design ("sets of interconnections").

As per claim 7, the Toll reference discloses a central unit (see column 2 lines 36-38, "parser 30") reads component codes (see column 2 lines 39-40, "topology description language") from the components ("electronic components 65"), said component codes (see column 2 lines 41-46, "topology description language") separately identifying the components ("electronic environment 60, electronic

components 65"), and determines the components ("electronic environment 60, electronic components 65") based on the component code ("topology description language").

As per claim 8, the Toll reference discloses the plurality of system project designs ("sets of interconnections") is centrally stored ("topology engine 37") and the component project designs ("one or more sets of acceptable interconnections") of the selected system project designs ("user selection of one of the sets of interconnections") are transmitted (see column 2 lines 55-67, "output port 46, infrared signals") to the components ("electronic environment 60, electronic components 65").

As per claim 9, the Toll reference discloses the plurality of system project designs ("sets of interconnections") is stored in a central unit ("topology engine 37") of the system ("computing system 10").

As per claim 10, the Toll reference discloses the plurality of system project designs ("sets of interconnections") is stored external (see column 3 lines 13-21, "user 15, diskette, Internet") to the system ("computing system 10").

As per claim 11, the Toll reference discloses the component project designs ("one or more sets of acceptable interconnections") are stored in

the corresponding components ("electronic environment 60, electronic components 65"), and wherein a central unit (see column 3 lines 7-9, "application 20") transmits selection commands ("without input from user 15") to the components ("electronic environment 60, electronic components 65") for selecting the component project designs ("one or more sets of acceptable interconnections") according to the selected system project design ("user selection of one of the sets of interconnections").

As per claim 12, the Toll reference discloses the components ("electronic environment 60, electronic components 65") activate the communication relationships (see column 2 lines 40-46, "interconnect ability, internal modules and connections") established by the components ("electronic environment 60, electronic components 65") based on a common activation command (see column 3 lines 6-7, "user 15").

As per claim 13, the Toll reference discloses the communication relationships ("interconnect ability, internal modules and connections") conform to the IRTE protocol (see column 2 lines 64-67, "IR blaster, infrared signals" and column 3 lines 13-21, "Internet").

As per claim 14, the Toll reference discloses at least the topology ("topology engine 37") of the components ("electronic environment 60, electronic components 65") is made available to an application program (see column 2 lines 29-31, "API, application 20") for the configurable system ("computing system 10").

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to project design/configuration in general:

USPN 7,290,039 B1 to Lisitsa et al.

USPN 6,980,211 B2 to Lin et al.

USPN 5,950,011 to Albrecht et al.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Application/Control Number:
10/717,170
Art Unit: 2121

Page 9

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal J. Barnes-Bullock whose telephone number is 571.272.3679. The examiner can normally be reached on Monday-Friday alternate Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Vincent can be reached on 571.272.3080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:
10/717,170
Art Unit: 2121

Page 10

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CRYSTAL J. BARNES
PRIMARY PATENT EXAMINER
CJB

30 December 2007